91st Congress
2d Session
HOUSE OF REPRESENTATIVES
Report
No. 91-1789

DISTRICT OF COLUMBIA REVENUE ACT OF 1970

December 19, 1970.—Ordered to be printed

Mr. McMillan, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 19885]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19885) to provide additional revenue for the District of Columbia, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "District of Columbia Revenue Act of 1970".

TITLE I—REVENUE

Sec. 101. Section 1 of article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, sec. 47-2501a) is amended (1) by striking out "1970" and inserting in lieu thereof "1971", and (2) by striking out "$105,000,000" and inserting in lieu thereof "$126,000,000".

Sec. 102. The Office of Management and Budget shall carefully examine and review each request of the District of Columbia for regular, supplemental, and deficiency appropriations to determine (1) the priorities of the expenditures for which each appropriation is requested, and (2) where reductions can be made in such expenditures.

Sec. 103. (a) Subsection (b)(1) of the first section of the Act of June 6, 1958 (D.C. Code, sec. 9-220(b)(1)) (relating to the borrowing authority of the District of Columbia), is amended—

(1) in subparagraph (A), by striking out "1968, 1969, or 1970" and inserting in lieu thereof "1971 or 1972" and by striking out "6 per centum" and inserting in lieu thereof "9 per centum"; and

(2) in subparagraph (B), by striking out "1970" each place it appears and inserting in lieu thereof "1972" and by striking out "6 per centum" and inserting in lieu thereof "9 per centum".

(b) Section 214 of the District of Columbia Public Works Act of 1954 (D.C. Code, sec. 43–1613) is amended by striking out "$32,000,000" and inserting in lieu thereof "$72,000,000".

(c) Section 402(a) of the District of Columbia Public Works Act of 1954 (D.C. Code, sec. 7–133(a)) is amended by striking out "$85,250,000" and inserting in lieu thereof "$110,000,000".

(d) Section 2(a) of the Act entitled "An Act authorizing loans from the United States Treasury for the expansion of the District of Columbia water system", approved June 2, 1950 (D.C. Code, sec. 43–1540(a)) is amended by striking out "$35,000,000" and inserting in lieu thereof "$51,000,000".

SEC. 104. (a) The fifth paragraph under the heading "General Expenses" in the first section of the Act of July 11, 1919 (D.C. Code, sec. 5–316), is amended by inserting immediately after the period at the end thereof the following: "Notwithstanding the provisions of the preceding sentence and section 7 of the Act of February 22, 1921 (41 Stat. 1144), in the case of a single unit motor vehicle which has three or more axles and is designed to unload itself and which is operated in the District of Columbia under an annual hauling permit of the District of Columbia, the fee for such permit shall be as follows:

"(1) $680 if such motor vehicle is first placed in service after July 1, 1970.

"(2) If such motor vehicle is in service on or before July 1, 1970, and operated at a gross weight—

"(A) in excess of the weight permitted under normal operations under applicable regulations of the Commissioner of the District of Columbia but less than 50,000 pounds, a fee of $380;

"(B) of 50,000 pounds or more but less than 55,000 pounds, a fee of $480;

"(C) of 55,000 pounds or more but less than 60,000 pounds, a fee of $580; or

"(D) of 60,000 pounds or more, not to exceed 65,000 pounds, a fee of $680.

The Commissioner of the District of Columbia is authorized to increase, from time to time, the fees prescribed by paragraphs (1) and (2), taking into account expenditures for the purpose of repairing or replacing highway structures and roadway pavements requiring such repair or replacement as a result of the operation of the motor vehicles for which hauling permit fees are prescribed under the preceding sentence. Proceeds from fees from annual hauling permits for such vehicles hall be deposited in the highway fund created by the first section of the Act entitled 'An Act to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes', approved April 23, 1924 (D.C. Code, sec. 47–1901)."

(b) The amendment made by subsection (a) shall take effect on the ninetieth day following the date of enactment of this Act.

SEC. 105. (a) Section 101 of the District of Columbia Public Works Act of 1954 (D.C. Code, sec. 43–1520c) is amended—

(1) by striking out the first three sentences of subsection (a) and inserting in lieu thereof the following: "The District of Columbia Council is authorized from time to time to fix the rates charged by

the District for water and water services furnished by the District water supply system, at such amount as the Council, on the basis of a recommendation made by the Commissioner of the District of Columbia, determines is necessary to meet the expense to the District of furnishing such water and water services. In computing the charge for the consumption of water in excess of the minimum amount allowed for metered service, if such charge is for a period beginning prior to a change in water rates and ending thereafter, the charge for such excess consumption shall be based upon the rate in effect at the time the charge is rendered."; and

(2) by striking out "(a)" in subsection (a) and by repealing subsection (b).

(b) Section 207 of such Act (D.C. Code, sec. 43–1606) is amended—

(1) by striking out in paragraph (a) ", but such percentage shall not exceed 75 per centum of the water charge";

(2) by striking out in paragraph (b) ", but such percentage shall not exceed 75 per centum of such rates";

(3) by striking out in paragraph (d) "not more than 75 per centum of the water charge" and inserting in lieu thereof "the amount"; and

(4) by inserting "(a)" immediately before "The sanitary sewer service charges" in the matter preceding paragraph (a), by redesignating paragraphs (a), (b), (c), and (d) as paragraphs (1), (2), (3), and (4), respectively; and by adding at the end of the section the following new subsection:

"(b) Notwithstanding the provisions of subsection (a), the District of Columbia Council is authorized, in its discretion, from time to time to establish one or more sanitary sewer service charges at such amount as the Council, on the basis of a recommendation made by the Commissioner, finds it necessary to meet the expense to the District of furnishing sanitary sewer services, including debt retirement."

(c) Subsection (c) of section 208 of such Act (D.C. Code, sec. 43–1607(c)) is amended to read as follows:

"(c) In computing the charge for sanitary sewer service, if such charge is for a period beginning prior to a change in the established sanitary sewer service charge and ending thereafter, the charge shall be based on the rate in effect at the time the charge is rendered."

(d) Water and sewer rates established under the District of Columbia Public Works Act of 1954 which are in effect on the date of enactment of this Act shall continue in effect until revised by the District of Columbia Council in accordance with that Act as amended by this section.

TITLE:II—MISCELLANEOUS TAX MATTERS

SEC. 201. (a)(1) The second proviso in section 114(a)(6) of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2601, par. 14(a)(6)) is repealed.

(2) Section 125(1) of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2602(1)) is amended by striking out "and" immediately preceding "(C)" and by striking out the semicolon and inserting in lieu thereof the following: ", and (D) charges for rental of textiles if the essential part of the rental includes recurring services of laundering or cleaning of the textiles;".

(b) Section 128 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2605) is amended by adding at the end thereof the following new paragraph:

"(r) Sales of textiles to persons who are engaged in the business of renting such textiles, if the essential part of such rental business includes recurring services of laundering or cleaning such textiles."

(c)(1) The second proviso in section 201(a)(4) of the District of Columbia Use Tax Act (D.C. Code, sec. 47–2701(1)(a)(4)) is repealed.

(2) Section 212(1) of the District of Columbia Use Tax Act (D.C. Code, sec. 47–2702(1)) is amended by striking out "and" immediately preceding "(C)" and by striking out the semicolon and inserting in lieu thereof the following: ", and (D) charges for rental of textiles if the essential part of the rental includes recurring service of laundering or cleaning of the textiles;".

SEC. 202. Paragraph (h) of section 1 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (D.C. Code, sec. 47–801a), is amended by adding at the end thereof the following new sentence: "For purposes of this paragraph, any building—

"(1) which is financed in whole or in part with (A) a mortgage insured under section 221 (d)(3), (h), or (i) of the National Housing Act and receiving the benefits of the interest rate provided for in the proviso in section 221(d)(5) of such Act, or (B) a mortgage insured under section 237 of such Act;

"(2) with respect to which periodic assistance payments are made under section 235 of the National Housing Act or interest reduction payments are made under section 236 of such Act;

"(3) with respect to which rent supplement payments are made under section 101 of the Housing and Urban Development Act of 1965;

"(4) which is financed in whole or in part with a loan made under section 202 of the Housing Act of 1959;

"(5) which contains dwelling units constituting low-rent housing in private accommodations within the meaning of section 23 of the United States Housing Act of 1937; or

"(6) with respect to which there is an outstanding rehabilitation loan made under section 312 of the Housing Act of 1964,

shall not, so long as the mortgage or loan involved remains outstanding or the assistance involved continues to be received, be considered a building used for purposes of public charity; except that this sentence will not apply to those organizations granted an exemption under this paragraph before the date of enactment of this sentence."

SEC. 203. (a) Subject to the provisions of subsection (b) of this section, the following property in the District of Columbia owned by the American Institute of Architects Foundation, Incorporated, a nonprofit corporation organized and existing under the laws of the State of New York, shall be exempt from taxation by the District of Columbia:

(1) The real property (including the improvements thereon known as the Octagon House) which is described as lot 36 in square 170.

(2) The furniture, furnishings, and other personal property located in any improvements on such real property.

(b) The property described in subsection (a) shall be exempt from taxation by the District of Columbia so long as (1) that property is owned by the Foundation referred to in subsection (a) and is used in carrying on its purposes and activities and is not used for any commercial purposes; and (2) the Octagon House is (A) maintained by that Foundation as a historical building to be preserved for its architectural and historical

significance, and (B) accessible to the general public without charge or payment of a fee of any kind at such reasonable hours and under such regulations as may, from time to time, be prescribed by that Foundation. The provisions of section 2 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (D.C. Code, sec. 47–801b), shall apply with respect to the property made exempt from taxation by this section, and the Foundation shall make the reports required by section 3 of that Act (D.C. Code, sec. 47–801c) and shall have the appeal rights provided by section 5 of that Act (D.C. Code, sec. 47–801e).

(c) This section shall apply with respect to taxable years beginning after June 30, 1969.

SEC. 204. Section 3(a)(7) of title III of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47–1557b(a)(7)) is amended by adding at the end thereof the following new sentence: "In the case of property held by any taxpayer on the first day of his first taxable year beginning after December 31, 1968, which, on such first day, was property described in this paragraph, any reduction in the basis of such property for purposes of computing the allowance under this paragraph which resulted from the enactment of the District of Columbia Revenue Act of 1969 shall be treated as an additional depreciation deduction which shall (subject to paragraph (14)) be allowable under this paragraph ratably over such period (beginning not earlier than the first taxable year of the taxpayer which begins after December 31, 1968), not to exceed ten taxable years, as may be agreed upon by the taxpayer and the Commissioner."

SEC. 205. (a) Title III of article I of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47–1557b) is amended by inserting after paragraph (15) of section 3(a) the following new paragraph:

"(16) Real estate investment trusts.—In the case of a real estate investment trust as defined in section 856 of the Internal Revenue Code of 1954, which meets the requirements of section 857(a) of the Internal Revenue Code of 1954, the dividends paid by the real estate investment trust which qualify for the dividends-paid deduction under section 857(b)(2)(C) and section 857(b)(3)(A)(ii) of the Internal Revenue Code of 1954, including dividends considered as having been paid during the taxable year by reason of section 858 of the Internal Revenue Code of 1954."

(b) The amendment made by subsection (a) shall apply with respect to taxable years of real estate investment trusts beginning after December 31, 1970.

TITLE III—MEDICAL AND DENTAL SCHOOL SUBSIDY

SEC. 301. This title may be cited as the "District of Columbia Medical and Dental Manpower Act of 1970."

SEC. 302. It is the purpose of this title to assist private nonprofit medical and dental schools in the District of Columbia in their critical financial needs in meeting the operational costs required to maintain quality medical and dental educational programs and to increase the number of students in such institutions as a necessary health manpower service to the metropolitan area of the District of Columbia.

SEC. 303. (a) The Secretary of Health, Education, and Welfare (hereinafter in this title referred to as the "Secretary") is authorized to make grants to the Commissioner of the District of Columbia (hereinafter in this title referred to as the "Commissioner") in amounts the Secretary determines to be the minimum amounts necessary to carry out the purposes

of this title. The total amount of grants under this section for any fiscal year shall not exceed the sum of (1) the product of $5,000 times the number of full-time students enrolled in private nonprofit accredited medical schools in the District of Columbia, and (2) the product of $3,000 times the number of full-time students enrolled in private nonprofit accredited dental schools in the District of Columbia.

(b) For the purposes of this section and section 307, in determining eligibility for, and the amount of, grants with respect to private nonprofit medical and dental schools, consideration shall be given to any grants made to such schools pursuant to the portion of the program under section 772 of the Public Health Service Act (42 U.S.C. 295f–2) relating to financial assistance to schools which are in serious financial straits to aid them in meeting their costs of operation.

(c) There are authorized to be appropriated $6,200,000 for the fiscal year ending June 30, 1971, and such sums as may be necessary for the fiscal year ending June 30, 1972, to make grants under this section.

Sec. 304. The Secretary may from time to time set dates by which applications for grants under section 303 for any fiscal year must be filed by the Commissioner. A grant under section 303 may be made only if application therefor—

(1) is approved by the Secretary;

(2) contains such information as the Secretary may require to make the determinations required of him under this title and such assurances as he may find necessary to carry out the purpose of this title; and

(3) provides for such fiscal control and accounting procedures and reports and access to the records of the Commissioner and the applicant schools as the Secretary may from time to time require in carrying out his functions under this title.

Sec. 305. For the purposes of section 303 and section 307, regulations of the Secretary shall include provisions relating to the determination of the number of students enrolled in a school, or in a particular year-class in a school, as the case may be, on the basis of estimates, or on the basis of the number of students who were enrolled in a school, or in a particular year-class, as the case may be, in an earlier year, or on such basis as he deems appropriate for making such determinations.

Sec. 306. Grants under section 303 may be paid in advance or by way of reimbursement at such intervals as the Secretary may find necessary and with appropriate adjustments on account of overpayments or underpayments previously made.

Sec. 307. From funds received under section 303, the Commissioner shall make payments (in amounts determined by the Secretary under such section 303) to private nonprofit schools of medicine and dentistry in the District of Columbia. The total of the payments under this section in any fiscal year to a medical school shall not exceed the product of $5,000 times the number of full-time students enrolled in such school, and the total of payments to a dental school shall not exceed the product of $3,000 times the number of full-time students enrolled in such school.

Sec. 308. The Commissioner may from time to time set dates by which applications for payments by the Commissioner under section 307 for any fiscal year must be filed. A payment under section 307 by the Commissioner may be made only if the application therefor—

(1) is approved by the Commissioner upon his determination that the applicant meets the eligibility conditions of this title; and

(2) contains such information as the Commissioner and the Secretary may require to make determinations required under this title and such assurances as they may find necessary to carry out the purposes of this title.

SEC. 309. Payments under section 307 by the Commissioner may be paid in advance or by way of reimbursement at such intervals as the Commissioner may find necessary and with appropriate adjustments on account of overpayments or underpayments previously made.

SEC. 310. For purposes of this title:

(1) The term "full-time students" means students pursuing a full-time course of study in an accredited school of medicine or school of dentistry leading to a degree of doctor of medicine, doctor of dentistry, or an equivalent degree.

(2) The terms "school of medicine" and "school of dentistry" mean a school in the District of Columbia which provides training leading, respectively, to a degree of doctor of medicine and doctor of dentistry, or an equivalent degree, and which is accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education of the United States.

(3) The term "nonprofit" as applied to a school of medicine or a school of dentistry means one which is owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

TITLE IV—FUNDS FOR HIGHER EDUCATION

SEC. 401. (a) Section 107 of the District of Columbia Public Education Act (D.C. Code, sec. 31–1607) is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by adding "and" at the end of paragraph (5);

(3) by adding after paragraph (5) the following new paragraph: "(6) section 108(b) of this Act,"; and

(4) by striking out "Federal City College shall" and inserting in lieu thereof the following: "Federal City College and the Washington Technical Institute shall each".

(b) Section 109(a)(1) of such Act (D.C. Code, sec. 31–1609(a)(1)) is amended by striking out "Federal City College shall" and inserting in lieu thereof the following: "Federal City College and the Washington Technical Institute shall each".

(c) Section 110 of such Act (D.C. Code, sec. 31–1610) is redesignated as section 112 and the following new sections are inserted immediately after section 109:

"SEC. 110. Grants to the District of Columbia under the Acts referred to in section 107 and under section 109(b) and the earnings of sums appropriated under section 108(b) shall be shared equally between the Federal City College and the Washington Technical Institute.

"SEC. 111. Sections 107 and 109 provide that the Washington Technical Institute shall be considered to be a college established for the benefit of agriculture and the mechanic arts in accordance with the provisions of the Act of July 2, 1862, for the purpose of enabling the Washington Technical Institute to share, under section 110, with the Federal City College (1) grants under the Acts referred to in section 107, (2) grants under section 109(b), and (3) earnings of sums appropriated under section 108(b)."

(d) The amendments made by this section shall apply with respect to (1) grants made to the District of Columbia under the Acts referred to in section 107 of the District of Columbia Public Education Act and under section 109(b) of such Act for fiscal years beginning after June 30, 1971, and (2) any earnings, on and after July 1, 1971, of sums heretofore appropriated to the District of Columbia pursuant to section 108(b) of such Act.

SEC. 402. Any institution of higher education located in the District of Columbia and described in the first sentence of section 1201(a) of the Higher Education Act of 1965 (other than District of Columbia Teachers' College, Federal City College, Gallaudet College, and Howard University) may borrow money at such rates of interest as the institution may determine, without regard to the restrictions of any usury law applicable in the District of Columbia, and shall not plead any statutes against usury in any action.

TITLE V—INDUSTRIAL SAFETY

SEC. 501. Title II of the Act of September 19, 1918 (D.C. Code, secs. 36–431—36–442) is amended as follows:

(1) Section 2 of such title (D.C. Code, sec. 36–432) is amended—

(A) by striking out in paragraph (a) "industrial employment, place of employment," and inserting in lieu thereof "place of employment", and

(B) by striking out in paragraph (d) "industrial".

(2) Section 3 of such title (D.C. Code, sec. 36–433) is amended by adding at the end thereof the following new sentence: "To promote the safety of persons employed in existing buildings or other existing structures, such rules, regulations, and standards may require, without limitation, changes in the permanent or temporary features of such buildings or other structures.".

(3) Section 6 of such title (D.C. Code, sec. 36–436) is amended to read as follows:

"SEC. 6. The Board may, upon written application of any employer affected by such rule or rregulation, permit variations from any provisions thereof if it shall find that the application of such provision would result in unnecessary hardship or practical difficulty, and notwithstanding such variance, that the protection afforded by such rule or regulation will be provided. The Board may grant a hearing open to the public on such application upon request of the applicant or other interested party or parties, or on its own initiative. The Board's decision thereon shall be subject to review by the District of Columbia Court of Appeals upon petition of the applicant or other affected party or parties. The Board shall keep a properly indexed record of all variations permitted from any rule or regulation, which shall be open to public inspection.".

(4) Section 12 of such title (D.C. Code, sec. 36–442) is amended by striking out "more than $300" and inserting in lieu thereof the following: "less than $100 or more than $600".

TITLE VI—SALE OF DAIRY PRODUCTS IN DISTRICT OF COLUMBIA

SEC. 601. (a) The Act entitled "An Act to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes", approved February 27, 1925 (D.C. Code, secs. 33–301—33–319), is amended to read as follows:

"SECTION 1. None but pure, clean, and wholesome milk, cream, milk products, or frozen desserts conforming to standards established by the District of Columbia Council, not inconsistent with standards established by the United States Government, shall be produced in, or be shipped into, the District of Columbia.

"SEC. 2. As used in this Act—

"(1) The term 'person' includes firms, associations, partnerships, and corporations in addition to individuals.

"(2) The term 'Commissioner' means the Commissioner of the District of Columbia or his designated agents.

"(3) The term 'District' means the District of Columbia.

"SEC. 3. No person shall keep or maintain within the District a dairy farm, milk plant, or frozen dessert plant producting, as the case may be, milk, cream, milk products, or frozen desserts for sale in the District, or bring or send into the District for sale any milk, cream, milk product, or frozen dessert, without a permit so to do from the Commissioner, and then only in accordance with the terms of such permit. Such permit shall be valid only for the calendar year in which it is issued, and shall be renewable annually on or before the 1st day of January of each calendar year thereafter. Application for such permit shall be in writing upon a form prescribed by the Commissioner.

"SEC. 4. The Commissioner is authorized to suspend any permit issued under the authority of this Act whenever, in his opinion, the public health is endangered by the impurity or unwholesomeness of milk, cream, milk product, or frozen dessert supplied by the holder of the permit, and the suspension shall remain in force until the Commissioner finds the danger no longer continues. Whenever any permit is suspended the Commissioner shall in writing furnish to the holder of such permit his reasons for such suspension, and each dealer receiving milk, cream, milk product, or frozen dessert from such holder shall also be promptly notified by the Commissioner in writing of the suspension of the permit.

"SEC. 5. Nothing in this Act shall be construed to prohibit (1) the shipment into the District of milk, cream, or milk products from shipping stations or plants having a sanitation compliance and enforcement rating of 90 per centum or better as determined by a milk sanitation rating officer certified by the Secretary of Health, Education, and Welfare, or (2) the shipment into the District of milk or cream for manufacture into frozen desserts and frozen desserts containing milk or cream which has been produced and transported in accordance with specifications established by a State or Federal regulatory or certifying agency and approved by the Commissioner.

"SEC. 6. No milk, cream, milk product, or frozen dessert shall be sold or offered for sale to a consumer in the District unless it has been pasteurized by a method acceptable to the Secretary of Health, Education, and Welfare.

"SEC. 7. The Commissioner is authorized to seize all milk, cream, milk products, or frozen desserts which may be brought into the District in violation of the provisions of this Act. The owner of any such milk, cream, milk product, or frozen dessert shall immediately be notified of such seizure, and if he shall fail within twenty-four hours from the time such notice is given to him to remove or cause to be removed from the District the seized milk, cream, milk product, or frozen dessert, the Commissioner is authorized to destroy or otherwise dispose of it.

"SEC. 8. The District of Columbia Council is hereby authorized to make from time to time all such reasonable regulations or standards consistent

with this Act as it deems necessary to protect the milk, cream, milk product, and frozen dessert supply of the District. Such regulations or standards shall be published once in a daily newspaper of general circulation in the District at least thirty days before any penalty may be exacted for violation thereof.

"SEC. 9. No person in the District shall sell or offer for sale any milk, cream, milk product, or frozen dessert from any source until he shall have first determined that the person providing such milk, cream, milk product, or frozen dessert holds a permit from the Commissioner to ship milk, cream, milk products, or frozen desserts into the District.

"SEC. 10. Any person who violates any provision of this Act or the regulations or standards promulgated hereunder shall be punished by a fine of not more than $300 or imprisonment for not more than thirty days, or both. Prosecutions shall be conducted in the Superior Court of the District of Columbia in the name of the District of Columbia by the Corporation Counsel or any of his assistants."

(b) The amendment made by subsection (a) of this section shall take effect on December 31, 1971.

TITLE VII—MISCELLANEOUS

SEC. 701. Section 2 of the Act entitled "An Act to declare the Old Georgetown Market a historic landmark and to require its preservation in continued use as a public market, and for other purposes", approved September 21, 1966 (D.C. Code, sec. 5–807), is amended by striking out ", but not to exceed in the aggregate $150,000".

SEC. 702. (a) Section 4(b) of the District of Columbia Minimum Wage Act (D.C. Code, sec. 36–404) is amended (1) by striking out "or" at the end of paragraph (4), (2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon and "or", and (3) by adding after paragraph (5) the following new paragraph:

> *"(6) any employee (A) with respect to whom the Interstate Commerce Commission has power to establish qualifications and maximum hours of service pursuant to the provisions of section 204 of part II of the Interstate Commerce Act, and (B) who is not employed for more than 50 per centum of any workweek within the Washington metropolitan region."*

(b) The amendments made by subsection (a) of this section shall take effect as of February 1, 1967.

SEC. 703. (a) Section 2 of the District of Columbia Minimum Wage Act (D.C. Code, sec. 36–402) is amended by adding at the end thereof the following:

"(8) The term 'Washington metropolitan region' means the area consisting of the District of Columbia, Montgomery and Prince Georges Counties in Maryland, Arlington and Fairfax Counties and the cities of Alexandria, Fairfax, and Falls Church in Virginia."

(b) Section 3 of such Act (D.C. Code, sec. 36–403) is amended by adding at the end thereof the following:

"(f) A wage order under this Act may establish at any one time only one wage rate for the occupation or the classification of employees within an occupation, as the case may be, to which the wage order applies."

(c) Section 6 of such Act (D.C. Code, sec. 36–406) is amended as follows:

(1) The first sentence of subsection (a) of such section is amended (A) by striking out "wage order" the first time it appears and inserting in lieu

thereof "wage rate within a wage order", and (B) by striking out "the wage rates" and inserting in lieu thereof "such wage rate".

(2) The first sentence of subsection (b) of such section is amended (A) by inserting "and" immediately after "occupation," the second time it occurs, and (B) by striking out ", and one or more representatives of the agency designated by the Commissioners to administer this Act." and inserting in lieu thereof a period and the following: "The chairman of the agency designated by the Commissioner to administer this Act shall be an ex officio member of the committee."

(3) Clause (3) of the second sentence of subsection (e) of such section is amended by striking out "District of Columbia" and inserting in lieu thereof "Washington metropolitan region".

(4) Subsection (f) of such section is amended by inserting immediately before the period at the end thereof the following: "and after taking into consideration the matters referred to in the second sentence of subsection (e)".

(d) The amendment made by subsection (b) of this section shall apply with respect to any wage order under the District of Columbia Minimum Wage Act issued or revised after the date of enactment of this Act.

SEC. 704. (a) The Administrator of the Environmental Protection Agency, in consultation with the Secretary of the Interior, the Chief of Engineers of the Corps of Engineers of the United States Army, and the Commissioner of the District of Columbia, shall conduct a special study of and make recommendations with respect to—

(1) the water pollution problems of the part of the Potomac River that is located within the Washington metropolitan area,

(2) the water resources of the Potomac River for such area,

(3) the problems relating to the provision of adequate facilities for water, sewer, sanitation, and related services for such area, and

(4) the establishment of an appropriate independent area or regional entity to control and resolve such water pollution problems, to regulate and control such water resources, and to provide such services at reasonable costs.

The study shall contain specific recommendations as to the extent and amount of funding that would be necessary to establish and maintain such an area or regional entity, recommendations as to any functions now performed by Federal and District of Columbia entities which should be transferred to such an area or regional entity, and recommendations as to provisions for protection of employees of entities that would be affected by such transfers.

(b) The Administrator of the Environmental Protection Agency shall report to the Congress the results of the study under subsection (a), together with his recommendations, on or before March 31, 1971.

SEC. 705. (a) Notwithstanding any other provision of law, the Commissioner of the District of Columbia is authorized to enter into lease agreements with any person, co-partnership, corporation, or other entity, which do not bind the government of the District of Columbia for periods in excess of twenty years for each such lease agreement, on such terms and conditions, including, without limitation, lease-purchase, as he deems to be in the interest of the District of Columbia and necessary for the accommodation of District of Columbia agencies and activities in buildings or other improvements which are in existence or are to be constructed by the lessor for such purposes, or on unimproved real property.

(b) No lease agreement entered into under subsection (a) shall provide for the payment of rental in excess of the limitations prescribed by section 322 of the Act entitled "An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes", approved June 30, 1932 (40 U.S.C. 278a), except that the provisions of this subsection shall not apply to leases made prior to the date of the enactment of the District of Columbia Revenue Act of 1970 except when renewals thereof are made after such date.

(c)(1) Section 6 of the District of Columbia Appropriation Act, 1945 (D.C. Code, sec. 1–243) is repealed.

(2) Section 12 of the District of Columbia Appropriation Act, 1959 (D.C. Code, sec. 1–243a) is repealed.

SEC. 706. The second sentence in the second paragraph of section 7 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25–107) is amended by striking out "any election" and inserting in lieu thereof "the presidential election".

TITLE VIII—GENERAL PROVISIONS

SEC. 801. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 802. Nothing in this Act, or any amendments made by this Act, shall be construed so as to affect the authority vested in the Commissioner of the District of Columbia or the authority vested in the District of Columbia Council by Reorganization Plan Numbered 3 of 1967. The performance of any function vested by this Act in the Commissioner of the District of Columbia or in any office or agency under his jurisdiction and control, or in the District of Columbia Council, may be delegated by the Commissioner or Council, as the case may be, in accordance with the provisions of such plan.

SEC. 803. (a) The repeal or amendment by this Act of any provision of law shall not affect any other provision of law, any act done or any right accrued or accruing under such repealed or amended law, or any suit or proceeding had or commenced in any civil cause before repeal or amendment of such law; but all rights and liabilities under such repealed or amended laws shall continue, and may be enforced in the same manner and to the same extent, as if such repeal or amendment had not been made.

(b) In the case of any offense committed or penalty incurred under any provision of law repealed or amended by this Act such offense may be prosecuted and punished and such penalty may be enforced in the same manner and with the same effect as if this Act had not been enacted.

And the Senate agree to the same.

JOHN L. MCMILLAN,
DON FUQUA,
ANCHER NELSEN,
JOEL T. BROYHILL,
Managers on the Part of the House.

THOMAS F. EAGLETON,
WILLIAM B. SPONG, JR.
CHARLES MCC. MATHIAS, JR.
Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 19885) to provide additional revenue for the District of Columbia, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment to the bill struck out all of the House bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the House bill and the Senate amendment to the bill. Except for technical, clarifying, and conforming changes, the following statement explains the differences between the House bill and the substitute agreed to in conference.

FEDERAL PAYMENT AUTHORIZATION

Under section 101 of the House bill the authorization for the annual Federal payment to the District of Columbia was increased with respect to fiscal years beginning after June 30, 1970, from $105 million to $120 million—an increase of $15 million.

The Senate amendment provided that such payment for any fiscal year, after fiscal year 1970, would be equal to 30 percent of the District of Columbia general fund revenues derived from taxes, charges, and miscellaneous receipts. It was estimated that for fiscal year 1971 the Federal payment would have been $132 million.

The conference substitute provides for an increase in the Federal payment of $21 million, thus establishing the annual authorization level at $126 million.

It is the position of the managers on the part of the House that the Federal payment authorization provided in the conference substitute is sufficient to cover any expense to the District of Columbia government which may accrue as a result of salary increases for D.C. government employees during the present fiscal year.

BORROWING AUTHORITY

The ceiling on the amount which the District of Columbia may borrow from the United States to carry out capital improvement programs financed by the general fund of the District of Columbia is based on the ability of the District of Columbia to pay from the general fund the interest and principal on its aggregate, outstanding indebtedness to the United States. That is, the measure for such borrowing authority is based on a ceiling on the amount of the revenues from the general fund of the District of Columbia that the District may use to pay the principal and interest on such indebtedness. The present ceiling is 6 percent of the sum of the District's general fund revenues (including the annual Federal payment) for fiscal year 1970.

Under section 103 of the House bill the percentage factor was raised from 6 percent to 8 percent and, with respect to fiscal years 1971 and 1972, the ceiling was to be computed on the basis of the general fund revenues for those years, respectively, and with respect to fiscal years after 1972 the ceiling was to be computed on the basis of such revenues for fiscal year 1972.

The Senate amendment changed the percentage factor from 6 percent to 10 percent and, with respect to fiscal years 1973 and 1974, permitted the ceiling to be based on general fund revenues received in those years, respectively, and with respect to fiscal years after 1974, permitted the ceiling to be based on such revenues received in fiscal year 1974.

The conference substitute is the same as the House bill except that the percentage factor is 9 percent instead of 8 percent.

The House bill provided that the ceiling on borrowing for the D.C. Sanitary and Sewage Works Fund be increased from $32 million to $72 million. The Senate amendment provided that effective fiscal year 1975, the ceiling for borrowing for that fund for projects approved prior to June 30, 1974 be increased from $32 million to $93.9 million. The conference substitute adopts the House provision.

The House bill provided that the ceiling on borrowing for the D.C. Highway Fund be increased from $85.25 million to $110 million. The Senate amendment provided that effective fiscal year 1975, the ceiling on borrowing for this fund for projects approved before June 30, 1974, be increased from $85.25 million to $146.8 million. The conference substitute adopts the House provision.

The House bill provided that the ceiling on borrowing for the D.C. Water Fund be increased from $35 million to $51 million. The Senate amendment provided that effective fiscal year 1975, the ceiling on borrowing for this fund for projects approved prior to June 30, 1974, be increased from $35 million to $62.9 million. The conference substitute adopts the House provision.

The conference substitute is estimated to produce for general fund requirements $610 million borrowing authority for 1971 and $626 million for 1972.

The conferees, by retaining the House-passed increases referred to in the special funds, thus has provided a total borrowing authority for the general Fund and the special funds named of $843 million for 1971 and $845 million for 1972.

FEES FOR HAULING PERMITS FOR CERTAIN SELF-UNLOADING TRUCKS

Section 104 of the House bill contained a provision not in the Senate amendment authorizing the Commissioner of the District of Columbia to charge certain fees for permits required for the operation in the District of Columbia of self-unloading motor vehicles having three or more axles. The provision in the House bill authorized the Commissioner to increase the fees under certain circumstances and also provided that the fees from the permits would be deposited in the District of Columbia highway fund.

The conference substitute adopts this provision and makes it clear that it is designed to enable the District of Columbia to charge revenue-raising fees for hauling permits for self-unloading motor vehicles of three or more axles and that such fees are to be deposited in the District of Columbia highway fund. The provisions in the House bill authorizing the District of Columbia to require hauling permits

and prescribing related administrative authority was not included in the conference substitute because the District of Columbia under existing law has the authority to require such permits and to make such regulations as may be necessary for their issuance and enforcement.

WATER AND SEWER RATES

Section 105 of the House bill repealed the ceiling on water rates that may be fixed by the District of Columbia Council.

The Senate amendment contained a similar provision which also repealed the ceiling on sewer rates that may be fixed by the District of Columbia Council. In addition, the Senate amendment provided that charges for water or sewer service during a period in which a rate change is made would be based on the higher rate rather than based on an average of the two rates.

The conference substitute is the same as the Senate amendment.

REAL ESTATE INVESTMENT TRUSTS

Section 701 of the Senate amendment contained a provision not in the House bill which provided that dividends of a real estate investment trust would be treated by the District of Columbia in the same manner that such dividends are treated under the Internal Revenue Code of 1954. Thus, if the dividends paid by a real estate investment trust would qualify for the dividends-paid deduction under the Internal Revenue Code of 1954, such dividends would be allowed as deductions from gross income in computing net income for purposes of the District of Columbia income tax.

The conference substitute contains the provisions of the Senate amendment.

LAND GRANT FUNDS FOR HIGHER EDUCATION

The House bill contained a provision which provided that the Washington Technical Institute, in addition to the Federal City College, shall be considered a college established for the benefit of agriculture and the mechanic arts in accordance with the provisions of the Act of July 2, 1862, for the purpose of enabling the Washington Technical Institute to share equally under section 110 of the District of Columbia Public Education Act, with the Federal City College, (1) grants under the Acts referred to in section 107 of the District of Columbia Public Education Act, (2) grants under section 109(b) of such Act, and (3) earnings of sums appropriated under section 108(b) of such Act.

The Senate amendment contained no comparable provision.

The conference substitute conforms to the House language with an additional provision intended to insure that the action taken to designate the Washington Technical Institute as a land grant college is for the purpose of enabling the Institute to share equally under section 110 of the District of Columbia Public Education Act, with the Federal City College, in land grant funds and is not otherwise to be considered as a precedent.

The conference substitute, while providing that grants under section 109(b) of the District of Columbia Public Education Act are to be shared equally between the Washington Technical Institute and

the Federal City College, intends that there be only one director of cooperative extension work in the District of Columbia and that the two educational institutions enter into a cooperative arrangement to carry out non-duplicative areas of work mutually agreed upon.

INDUSTRIAL SAFETY

Title IV of the Senate amendment contained a provision not in the House bill which amended the industrial safety law of the District of Columbia as follows: (1) the law was made applicable to all places of employment, not just industrial, (2) the Minimum Wage and Industrial Safety Board was authorized to order changes in temporary as well as permanent features of existing buildings, (3) the Board was authorized to grant hearings on applications for variances from the requirements of the industrial safety law, (4) decisions of the Board with respect to applications for such variances were made reviewable by the District of Columbia Court of Appeals, (5) fines for violations were changed from a maximum of $300 to a minimum of $100 and a maximum of $1,000, (6) no forfeiture of collateral in cases involving death or serious injury is permitted, and (7) an Assistant Corporation Counsel was to be assigned to the Board to conduct prosecution for violations of industrial safety laws.

The conference substitute adopts the changes in the industrial safety law referred to in clauses (1), (2), (3), and (4) and in lieu of the change described in clause (5) provides for a minimum fine of $100 and an increase in the maximum fine from $300 to $600. The conference substitute does not contain the changes described in clauses (6) and (7).

SALE OF DAIRY PRODUCTS IN D.C.

The House bill provided that dairy products from outside the District of Columbia may be sold in the District if the sources of such products are inspected and approved by certified inspectors of the Department of Health, Education, and Welfare, thus repealing the provision of present law which requires that such sources of dairy products be inspected and approved also by inspectors of the D.C. Department of Public Health. The effective date for this provision was July 1, 1971. The Senate amendment contained no comparable provision. The conference substitute adopts the House provision, but with an effective date of December 31, 1971.

OVERTIME EXEMPTION FOR CERTAIN MOTOR CARRIER EMPLOYEES

Section 502 of the House bill contained a provision not in the Senate amendment which provided an exemption from the overtime requirements of the District of Columbia Minimum Wage Act for employees with respect to whom the Interstate Commerce Commission has power to establish qualifications and maximum hours of service pursuant to the provisions of section 204 of part II of the Interstate Commerce Act. There is in the Federal minimum wage law (the Fair Labor Standards Act of 1938) an exemption for such employees from the overtime requirements of such law. The employees who are exempted from overtime requirements under the Federal law and who would be exempted under the provisions of the House bill are drivers of motor vehicles operating in interstate commerce, driver's helpers on

such vehicles, mechanics who repair and service such vehicles, and loaders of such vehicles. The amendment in the House bill was made retroactive to February 1, 1967, the effective date of the revision of the District of Columbia Minimum Wage Act which applied its provisions to men for the first time.

The conference substitute provides that the employees exempted by the House bill from the District of Columbia overtime requirements will be exempted from such requirements in any work week if in such work week such employees were not employed for more than half of such work week within the Washington metropolitan region, which is defined as the area comprised of the District of Columbia, the counties of Montgomery and Prince Georges in Maryland, and the counties of Arlington and Fairfax and the cities of Alexandria, Fairfax and Falls Church in Virginia. The exemption, as in the House bill, is made retroactive to February 1, 1967.

MINIMUM WAGE RATES UNDER THE DISTRICT OF COLUMBIA MINIMUM WAGE ACT

Section 503 of the House bill contained amendments, not in the Senate amendment, to the District of Columbia Minimum Wage Act. Such amendments provided the following: (1) the wage rate in any wage order could not be changed until it had been in effect at least one year, (2) the District of Columbia was not to be represented on ad hoc advisory committees created to advise the Commissioner with respect to proposed wage order revisions, (3) in considering proposed wage rate revisions, the advisory committee was directed to consider the applicable wage rates being paid in the Washington metropolitan region, and (4) the minimum wage rate established in a wage order could not exceed by more than 10% the highest minimum wage rate in effect under the Federal minimum wage law.

The conference substitute adopts the changes made by the House bill described in clauses (1), (2), and (3). In addition, it provides that the chairman of the District of Columbia Minimum Wage and Industrial Safety Board shall be an ex officio member of the advisory committee referred to in clause (3) and makes it explicit that a wage order may not provide for more than one increase in a minimum wage rate. That is, the current practice of providing multiple increases in one wage order or revision thereof in the minimum wage rate is now prohibited. Thus, for example, a wage order which now provides for a wage rate of $1.60 an hour effective January 1, 1971, a minimum wage rate of $1.80 an hour effective July 1, 1971, and $2.00 an hour effective January 1, 1972, is not allowed under the amendment made by the conference substitute. Under the example given, separate action would be required for the minimum wage rates of $1.80 an hour and $2.00 an hour. However, the Board may continue to establish in any wage order or revision thereof separate wage rates for different classifications of employees within the occupation to which the wage order applies.

STUDY OF POTOMAC RIVER RESOURCES AND POLLUTION PROBLEMS

The House bill contained a provision not in the Senate amendment which authorized the Administrator of the Environmental Protection

Agency to conduct a study of and make recommendations with respect to the water pollution problems on the part of the Potomac River located in the Washington metropolitan area, the water resources of the Potomac River for such area, the problems relating to the provision of adequate facilities for water, sewer, sanitation, and related services for such area and the establishment of an appropriate independent area or regional entity to control and resolve such water pollution problems, to regulate and control such water resources and to provide such services at reasonable costs. The Administrator was directed to report to the Congress the results of such study, together with his recommendations, on or before March 31, 1971.

The conference substitute contains the provision of the House bill. It is expected that the Administrator in carrying out such study and formulating his recommendations will consult with appropriate public officials of the jurisdictions in Maryland and Virginia which will be affected by his recommendations.

AMENDMENT TO THE DISTRICT OF COLUMBIA ALCOHOLIC BEVERAGE CONTROL ACT

The Senate amendment contained a provision not in the House bill which repealed the change made to the District of Columbia Alcoholic Beverage Control Act by the District of Columbia Delegate Act (Public Law 91–405). Before that Act liquor sales in the District of Columbia were prohibited on presidential elections days. Under the amendment made by that Act liquor sales were prohibited on any election day. Under the Senate amendment liquor sales would be prohibited only on presidential election days.

The conference substitute contains the provision of the Senate amendment.

JOHN L. MCMILLAN,
DON FUQUA,
ANCHER NELSEN,
JOEL T. BROYHILL.
Managers on the Part of the House.